



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 1460

PAG LIN

1 1 Amend the amendment, H=1381, to House File 590 as
1 2 follows:
1 3 #1. Page 1, by striking lines 3 through 17 and
1 4 inserting:
1 5 <Sec. _____. NEW SECTION. 15.106E Review of
1 6 authority operations.
1 7 Commencing July 1, 2014, the general assembly
1 8 shall conduct a review of the authority and its
1 9 activities and shall issue a report with findings and
1 10 recommendations by January 1, 2015.>
1 11 #2. By renumbering as necessary.

LUKAN of Dubuque
H1381.1962 (2) 84
tw/sc



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House Amendment 1461

PAG LIN

1 1 Amend the amendment, H=1412, to House File 590 as
1 2 follows:
1 3 #1. Page 1, line 3, by striking <small> and
1 4 inserting <growing>

LUKAN of Dubuque
H1412.1943 (1) 84
tw/sc



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House Amendment 1462

PAG LIN

1 1 Amend Senate File 407, as passed by the Senate, as
1 2 follows:

1 3 #1. Page 2, after line 23 by inserting:

1 4 <Sec. _____. Section 455B.191, Code 2011, is amended
1 5 by adding the following new subsection:

1 6 NEW SUBSECTION. 8. Any civil penalty collected by
1 7 the state or a county relating to the construction of
1 8 semipublic sewage disposal systems shall be deposited
1 9 in the unsewered community revolving loan fund created
1 10 pursuant to section 16.141.>

1 11 #2. Page 2, before line 24 by inserting:

1 12 <Sec. _____. Section 455B.199B, subsection 2, Code
1 13 2011, is amended to read as follows:

1 14 2. The department shall find that a regulated
1 15 entity and the affected community are a disadvantaged
1 16 community by ~~using~~ evaluating all of the following
1 17 ~~criteria:~~

1 18 a. The ability of the regulated entity and the
1 19 affected community to pay for a project based on the
1 20 ratio of the total annual project costs per household
1 21 to median household income.

1 22 b. Median household income in the community as
~~1 23 a percentage of statewide household income and the~~
1 24 unemployment rate of the county in which the community
1 25 is located.

1 26 ~~b. Annual water and sewer rates as a percentage of~~
~~1 27 median household income.~~

1 28 ~~c. Families below the poverty level in the~~
~~1 29 community as a percentage of the statewide number of~~
~~1 30 families below the poverty level.~~

1 31 ~~d. Per capita~~ The outstanding debt of the system as
~~1 32 a percentage of median household income and the bond~~
1 33 rating of the community.

1 34 ~~e. Cost effectiveness calculated by determining~~
~~1 35 construction costs per user.~~

1 36 Sec. _____. Section 455B.199B, Code 2011, is amended
1 37 by adding the following new subsections:

1 38 NEW SUBSECTION. 2A. The department shall find that
1 39 an unsewered community is a disadvantaged community by
1 40 evaluating all of the following:

1 41 a. The ability of the community to pay for a
1 42 project based on the ratio of the total annual project
1 43 costs per household to median household income.

1 44 b. The unemployment rate in the county where the
1 45 community is located.

1 46 c. The median household income of the community.

1 47 NEW SUBSECTION. 2B. The department shall not
1 48 consider a regulated entity, affected community, or
1 49 unsewered community a disadvantaged community if the
1 50 ratio of compliance costs to median household income



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2 1 is below one percent.
2 2 NEW SUBSECTION. 3A. The department shall not
2 3 require installation of a wastewater treatment system
2 4 by an unsewered community if the department determines
2 5 that such installation would create substantial and
2 6 widespread economic and social impact.>
2 7 #3. Title page, line 1, by striking <delegating to
2 8 counties> and inserting <relating to counties and other
2 9 regulated entities and>
2 10 #4. Title page, by striking line 3 and inserting
2 11 <the inspection and construction of certain sewage
2 12 disposal systems and>
2 13 #5. By renumbering as necessary.

COMMITTEE ON ENVIRONMENTAL PROTECTION
S. OLSON of Clinton, Chairperson
SF407.2015 (4) 84
tm/sc



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House Amendment 1463

PAG LIN

1 1 Amend Senate File 240, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, by striking lines 26 and 27 and
1 4 inserting <Monday through Saturday.>

ALONS of Sioux
SF240.2029 (2) 84
rn/nh



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House Amendment 1464

PAG LIN

1 1 Amend Senate File 240, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 4, line 14, by striking <may> and inserting
1 4 <shall>

MASCHER of Johnson
SF240.2028 (1) 84
rn/nh



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House Amendment 1465

PAG LIN

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1 1      Amend House File 648 as follows:
1 2 #1.  Page 4, after line 31 by inserting:
1 3      <Of the amount appropriated in this paragraph
1 4 "a", $112,000 shall be allocated for the planning and
1 5 development of the Iowa portion of the Mississippi
1 6 river trail located in a county with a population
1 7 between 42,000 and 43,000 in the latest preceding
1 8 certified federal census and a county with a population
1 9 between 160,000 and 175,000 in the latest preceding
1 10 certified federal census.>
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LYKAM of Scott
HF648.2048 (2) 84
av/tm



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House Amendment 1466

PAG LIN

1 1 Amend House File 320 as follows:
1 2 #1. Page 2, after line 10 by inserting:
1 3 <Sec. _____. Section 724.28, Code 2011, is amended by
1 4 striking the section and inserting in lieu thereof the
1 5 following:
1 6 724.28 State preemption ==== prohibition of firearms,
1 7 firearm accessories, and ammunition regulation by
1 8 political subdivisions.
1 9 1. The purpose of this section is to establish
1 10 complete state control over firearms, firearm
1 11 accessories, and ammunition regulation and policy
1 12 in order to ensure that such regulation and policy
1 13 is applied uniformly throughout this state to each
1 14 person subject to the state's jurisdiction and to
1 15 ensure protection of the right to keep and bear arms
1 16 recognized by the Constitution of the United States.
1 17 This section is to be liberally construed to effectuate
1 18 its purpose.
1 19 2. As used in this section:
1 20 a. "Ammunition" means fixed cartridge ammunition,
1 21 shotgun shells, the individual components of fixed
1 22 cartridge ammunition and shotgun shells, projectiles
1 23 for muzzleloading firearms, and any propellant used in
1 24 firearms or in firearms ammunition.
1 25 b. "Firearm accessory" means a device specifically
1 26 adapted to enable the wearing or carrying about
1 27 one's person, or the storage or mounting in or on a
1 28 conveyance, of a firearm, or an attachment or device
1 29 specifically adapted to be inserted into or affixed
1 30 onto a firearm to enable, alter, or improve the
1 31 functioning or capabilities of the firearm.
1 32 c. "Firearms" means a pistol, revolver, rifle,
1 33 shotgun, machine gun, submachine gun, or black powder
1 34 weapon which is designed to, capable of, or may be
1 35 readily converted to expel a projectile by the action
1 36 of an explosive.
1 37 d. "Person adversely affected" means a person who
1 38 meets all of the following criteria:
1 39 (1) Lawfully resides within the United States.
1 40 (2) Can legally possess a firearm under the laws of
1 41 this state.
1 42 (3) Either of the following:
1 43 (a) Would be subject to the ordinance, measure,
1 44 enactment, rule, resolution, motion, or policy at issue
1 45 if the person were present within the jurisdictional
1 46 boundaries of the enacting political subdivision,
1 47 regardless of whether such person works or resides in
1 48 such political subdivision.
1 49 (b) Is a membership organization that includes as
1 50 a member a person described in subparagraphs (1) and



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2 1 (2) and subparagraph division (a) of this subparagraph
2 2 and that is dedicated in whole or in part to protecting
2 3 the rights of those persons who possess, own, or use
2 4 firearms for competitive, sporting, defensive, or other
2 5 lawful purposes.
2 6 e. "Political subdivision" means a county, city,
2 7 township, school district, or any other subunit of this
2 8 state.
2 9 3. Except as otherwise provided in this section,
2 10 the regulation of all of the following is hereby
2 11 declared to be the exclusive domain of the state:
2 12 a. Firearms, firearm accessories, and ammunition.
2 13 b. The ownership, possession, use, discharge,
2 14 carrying, transportation, registration, transfer,
2 15 and storage of firearms, firearm accessories, and
2 16 ammunition.
2 17 c. Commerce in and taxation of firearms, firearm
2 18 accessories, and ammunition.
2 19 d. Any other matter pertaining to firearms, firearm
2 20 accessories, and ammunition.
2 21 4. An ordinance, measure, enactment, rule,
2 22 resolution, motion, or policy adopted by a political
2 23 subdivision of this state, or an official action
2 24 including in any legislative, police power, or
2 25 proprietary capacity, taken by an employee or agent of
2 26 such political subdivision in violation of this section
2 27 is void.
2 28 5. This section shall not be construed to prevent
2 29 any of the following:
2 30 a. A duly organized law enforcement agency of a
2 31 political subdivision from promulgating and enforcing
2 32 rules pertaining to firearms, firearm accessories, or
2 33 ammunition issued to or used by peace officers in the
2 34 course of their official duties.
2 35 b. An employer from regulating or prohibiting an
2 36 employee from carrying firearms, firearm accessories,
2 37 or ammunition during and in the course of the
2 38 employee's official duties.
2 39 c. A court or administrative law judge from hearing
2 40 and resolving a case or controversy or issuing an
2 41 opinion or order on a matter within its jurisdiction.
2 42 d. The enactment or enforcement of a generally
2 43 applicable zoning or business ordinance that includes
2 44 firearms businesses along with other businesses,
2 45 provided that an ordinance designed or enforced to
2 46 effectively restrict or prohibit the sale, purchase,
2 47 transfer, manufacture, or display of firearms, firearm
2 48 accessories, or ammunition otherwise lawful under the
2 49 laws of this state, which is in conflict with this
2 50 section, is void.



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3 1 6. a. A person adversely affected by an ordinance,
3 2 measure, enactment, rule, resolution, motion, or policy
3 3 promulgated or enforced in violation of this section
3 4 may file suit in the appropriate court for declarative
3 5 and injunctive relief and for all actual and
3 6 consequential damages attributable to the violation. A
3 7 court shall award the prevailing plaintiff in any such
3 8 suit all of the following:
3 9 (1) Reasonable attorney fees.
3 10 (2) Liquidated damages equal to the amount of three
3 11 times the attorney fees awarded in subparagraph (1).
3 12 (3) Litigation costs.
3 13 (4) Interest on the amounts awarded pursuant to
3 14 this subsection shall accrue at fifteen percent from
3 15 the date suit is filed.
3 16 b. Payment of such fees, damages, costs, and
3 17 interest may be secured by seizure of any vehicles
3 18 used or operated for the benefit of any elected office
3 19 holder in the political subdivision if not paid within
3 20 seventy-two hours of the court's order.
3 21 Sec. _____. APPLICABILITY DATE. The section of this
3 22 Act amending section 724.28 applies to ordinances,
3 23 measures, enactments, rules, or policies adopted by
3 24 a political subdivision of this state and official
3 25 actions including in any legislative, police power, or
3 26 proprietary capacity, taken by an employee or agent of
3 27 such political subdivision, prior to or on or after the
3 28 effective date of this Act.>
3 29 #2. Title page, by striking lines 1 and 2 and
3 30 inserting <An Act relating to the regulation of
3 31 firearms and ammunition, providing a remedy, and
3 32 including applicability provisions.>
3 33 #3. By renumbering as necessary.

WINDSCHITL of Harrison
HF320.1140 (2) 84
rh/rj



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House Amendment 1467

PAG LIN

1 1 Amend the amendment, H=1432, to House File 590 as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 through 7 and
1 4 inserting:
1 5 <___. Page 6, by striking line 2 and inserting <to>
1 6 ___. Page 7, before line 31 by inserting:
1 7 <3. Not more than one principal executive,
1 8 employee, or other representative from a business or
1 9 its affiliates may serve concurrently on the authority
1 10 board, the board of directors of the corporation,
1 11 or any combination thereof. For purposes of this
1 12 subsection, "affiliate" means the same as defined in
1 13 section 423.1.>
1 14 ___. Page 8, by striking lines 1 and 2.
1 15 ___. By striking page 8, line 34, through page 9,
1 16 line 3.
1 17 ___. Page 9, line 35, after <fund.> by inserting
1 18 <The nonreversion of moneys allowed under this
1 19 paragraph does not apply to moneys appropriated to the
1 20 authority by the general assembly.>
1 21 ___. Page 11, before line 28 by inserting:
1 22 <(4) Notwithstanding section 8A.311 and any
1 23 rules promulgated thereunder by the department of
1 24 administrative services, the authority may enter into
1 25 contracts with the corporation for the sole source
1 26 procurement of services. In entering into such sole
1 27 source contracts, the authority shall negotiate a
1 28 fair and reasonable price for the services and shall
1 29 thoroughly document the circumstances of such sole
1 30 source procurements.>
1 31 ___. Page 12, line 7, after <office.> by inserting
1 32 <The director shall ensure that the authority is
1 33 operated free from political influence.>
1 34 ___. By striking page 12, line 30, through page 17,
1 35 line 8.
1 36 ___. Page 19, by striking lines 18 through 20.
1 37 ___. Page 21, line 34, after <15.107A> by inserting
1 38 <or when engaged in activities that utilize public
1 39 funding>
1 40 ___. Page 22, line 11, after <corporation> by
1 41 inserting <performed by a certified public accountant>
1 42 ___. Page 22, line 12, after <state> by inserting
1 43 <and made available to the public>
1 44 ___. Page 22, line 15, after <functions> by
1 45 inserting <or activities that utilize public funding>
1 46 ___. Page 22, line 20, after <functions> by
1 47 inserting <or activities that utilize public funding>
1 48 ___. Page 22, before line 21 by inserting:
1 49 <5. Notwithstanding other provisions of this
1 50 section to the contrary, if the corporation receives



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House Amendment 1467 continued

2 1 confidential information from the authority under the
2 2 process described in section 15.118, the corporation
2 3 shall comply with the provisions of section 15.118 in
2 4 the same manner as the authority.>
2 5 _____. Page 26, before line 20 by inserting:
2 6 <Sec. _____. Section 16.6, Code 2011, is amended by
2 7 adding the following new subsection:
2 8 NEW SUBSECTION. 5. Notwithstanding subsections
2 9 1 through 4, for purposes of the Iowa economic
2 10 development bond bank program described in sections
2 11 16.102 through 16.106, the water pollution control
2 12 works and drinking water facilities financing program
2 13 described in sections 16.131 through 16.135, and the
2 14 unsewered community revolving loan program described
2 15 in section 16.141, the executive director shall be the
2 16 director of the economic development authority created
2 17 in section 15.105. >>

LUKAN of Dubuque
H1432.2042 (2) 84
tw/sc



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House Amendment 1468

PAG LIN

1 1 Amend the amendment, H=1416, to House File 590 as
1 2 follows:
1 3 #1. Page 1, line 6, by striking <the corporation
1 4 from engaging in>

THOMAS of Clayton
H1416.2060 (1) 84
tw/sc



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House Amendment 1469

PAG LIN

1 1 Amend House File 470 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 22.7, subsection 24, Code 2011,
1 5 is amended by striking the subsection.

1 6 Sec. 2. Section 123.3, Code 2011, is amended by
1 7 adding the following new subsection:

1 8 NEW SUBSECTION. 014A. "Grape brandy" means brandy
1 9 produced by the distillation of fermented grapes or
1 10 grape juice.

1 11 Sec. 3. Section 123.41, Code 2011, is amended to
1 12 read as follows:

1 13 123.41 Manufacturer's license.

1 14 1. Upon application in the prescribed form and
1 15 accompanied by a fee of three hundred fifty dollars,
1 16 the administrator may in accordance with this chapter
1 17 grant and issue a license, valid for a one=year
1 18 period after date of issuance, to a manufacturer which
1 19 shall allow the manufacture, storage, and wholesale
1 20 disposition and sale of alcoholic liquors to the
1 21 division and to customers outside of the state.

1 22 2. As a condition precedent to the approval and
1 23 granting of a manufacturer's license, an applicant
1 24 shall file a statement under oath with the division
1 25 that the applicant is a bona fide manufacturer
1 26 of alcoholic liquors, and that the applicant will
1 27 faithfully observe and comply with all laws, rules,
1 28 and regulations governing the manufacture and sale of
1 29 alcoholic liquor.

1 30 ~~2. 3. A person who holds an experimental distilled~~
1 31 ~~spirits plant permit or its equivalent issued by the~~
1 32 ~~federal bureau of alcohol, tobacco and firearms alcohol~~
1 33 ~~and tobacco tax and trade bureau of the United States~~
1 34 ~~department of the treasury may produce alcohol for use~~
1 35 ~~as fuel without obtaining a manufacturer's license from~~
1 36 ~~the division.~~

1 37 4. A violation of the requirements of this section
1 38 shall subject the licensee to the general penalties
1 39 provided in this chapter and shall constitute grounds
1 40 for imposition of a civil penalty or suspension or
1 41 revocation of the license after notice and opportunity
1 42 for a hearing pursuant to section 123.39 and chapter
1 43 17A.

1 44 Sec. 4. Section 123.43A, subsection 8, Code 2011,
1 45 is amended to read as follows:

1 46 8. Micro=distilled spirits purchased at a
1 47 micro=distillery shall not be consumed ~~within three~~
1 48 ~~hundred feet of a micro=distillery or~~ on any property
1 49 owned, operated, or controlled by a micro=distillery.

1 50 Sec. 5. NEW SECTION. 123.46A Delivery of alcoholic



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2 1 beverages by retailers.
2 2 1. Licensees and permittees authorized to sell
2 3 alcoholic liquor, wine, or beer in original unopened
2 4 containers for consumption off the licensed premises
2 5 may deliver alcoholic liquor, wine, or beer to a home
2 6 or other designated location in this state. Deliveries
2 7 shall be limited to alcoholic beverages authorized by
2 8 the licensee's or permittee's license or permit.
2 9 2. All deliveries of alcoholic liquor, wine, or
2 10 beer shall be subject to the following requirements and
2 11 restrictions:
2 12 a. Payment for the alcoholic liquor, wine, or beer
2 13 shall be received on the licensed premises at the time
2 14 of order.
2 15 b. Alcoholic liquor, wine, or beer delivered to a
2 16 person shall be for personal use and not for resale.
2 17 c. Deliveries shall only be made to persons in this
2 18 state who are twenty-one years of age or older.
2 19 d. Deliveries shall not be made to a person who is
2 20 intoxicated or is simulating intoxication.
2 21 e. Deliveries shall occur between 6:00 a.m. and
2 22 10:00 p.m. Monday through Saturday, and between 8:00
2 23 a.m. and 10:00 p.m. Sunday.
2 24 f. Delivery of alcoholic liquor, wine, or beer
2 25 shall be made by the licensee or permittee, or the
2 26 licensee's or permittee's employee, and not by a third
2 27 party.
2 28 g. Delivery personnel shall be twenty-one years of
2 29 age or older.
2 30 h. Deliveries shall be made in a vehicle owned,
2 31 leased, or under the control of the licensee or
2 32 permittee.
2 33 i. Valid proof of the recipient's identity and age
2 34 shall be obtained at the time of delivery, and the
2 35 signature of a person twenty-one years of age or older
2 36 shall be obtained as a condition of delivery.
2 37 j. Licensees and permittees shall maintain records
2 38 of deliveries which include the quantity delivered, the
2 39 recipient's name and address, and the signature of the
2 40 recipient of the alcoholic liquor, wine, or beer. The
2 41 records shall be maintained on the licensed premises
2 42 for a period of three years.
2 43 3. A violation of this section or any other
2 44 provision of this chapter shall subject the licensee or
2 45 permittee to the penalty provisions of section 123.39.
2 46 4. Nothing in this section shall impact the direct
2 47 shipment of wine as regulated by section 123.187.
2 48 Sec. 6. Section 123.50, Code 2011, is amended by
2 49 adding the following new subsection:
2 50 NEW SUBSECTION. 5. If an employee of a licensee



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3 1 or permittee violates section 123.49, subsection 2,
3 2 paragraph "h", the licensee or permittee shall not
3 3 be assessed a penalty under subsection 3, and the
3 4 violation shall be deemed not to be a violation of
3 5 section 123.49, subsection 2, paragraph "h", for the
3 6 purpose of determining the number of violations for
3 7 which a penalty may be assessed pursuant to subsection
3 8 3, if the employee holds a valid certificate of
3 9 completion of the alcohol compliance employee training
3 10 program pursuant to section 123.50A at the time of
3 11 the violation, and if the violation involves selling,
3 12 giving, or otherwise supplying any alcoholic beverage,
3 13 wine, or beer to a person between the ages of eighteen
3 14 and twenty years of age. A violation involving a
3 15 person under the age of eighteen years of age shall not
3 16 qualify for the bar against assessment of a penalty
3 17 pursuant to subsection 3, for a violation of subsection
3 18 123.49, subsection 2, paragraph "h". A licensee or
3 19 permittee may assert only once in a four-year period
3 20 the bar under this subsection against assessment of a
3 21 penalty pursuant to subsection 3, for a violation of
3 22 subsection 123.49, subsection 2, paragraph "h", that
3 23 takes place at the same place of business location.

3 24 Sec. 7. NEW SECTION. 123.50A Alcohol compliance
3 25 employee training program.

3 26 1. If sufficient funding is appropriated, the
3 27 division shall develop an alcohol compliance employee
3 28 training program, not to exceed two hours in length
3 29 for employees and prospective employees of licensees
3 30 and permittees, to inform the employees about state
3 31 and federal liquor laws and regulations regarding the
3 32 sale of alcoholic liquor, wine, or beer to persons
3 33 under legal age, and compliance with and the importance
3 34 of laws regarding the sale of alcoholic liquor, wine,
3 35 or beer to persons under legal age. In developing
3 36 the alcohol compliance employee training program,
3 37 the division may consult with stakeholders who have
3 38 expertise in the laws and regulations regarding the
3 39 sale of alcoholic liquor, wine, or beer to persons
3 40 under legal age.

3 41 2. The alcohol compliance employee training program
3 42 shall be made available to employees and prospective
3 43 employees of licensees and permittees at no cost to the
3 44 employee, the prospective employee, or the licensee or
3 45 permittee, and in a manner which is as convenient and
3 46 accessible to the extent practicable throughout the
3 47 state so as to encourage attendance. Contingent upon
3 48 the availability of specified funds for provision of
3 49 the program, the division shall schedule the program
3 50 on at least a monthly basis and the program shall be



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4 1 available at a location in at least a majority of
4 2 counties.

4 3 3. Upon completion of the alcohol compliance
4 4 employee training program, an employee or prospective
4 5 employee shall receive a certificate of completion,
4 6 which shall be valid for a period of two years, unless
4 7 the employee or prospective employee is convicted of a
4 8 violation of section 123.49, subsection 2, paragraph
4 9 "h", in which case the certificate shall be void.

4 10 4. The division shall also offer periodic
4 11 continuing employee training and recertification for
4 12 employees who have completed initial training and
4 13 received an initial certificate of completion as part
4 14 of the alcohol compliance employee training program.

4 15 Sec. 8. Section 123.56, subsections 1, 2, and 3,
4 16 Code 2011, are amended to read as follows:

4 17 1. Subject to rules of the division, manufacturers
4 18 of native wines from grapes, cherries, other fruits
4 19 or other fruit juices, vegetables, vegetable juices,
4 20 dandelions, clover, honey, or any combination of
4 21 these ingredients, holding a class "A" wine permit as
4 22 required by this chapter, may sell, keep, or offer for
4 23 sale and deliver the wine. ~~Sales may be made at retail~~
~~4 24 for off-premises consumption when sold on the premises~~
~~4 25 of the manufacturer, or in a retail establishment~~
~~4 26 operated by the manufacturer. Sales may also be~~
~~4 27 made to class "A" or retail wine permittees or liquor~~
~~4 28 control licensees as authorized by the class "A" wine~~
~~4 29 permit. Notwithstanding any other provision of this~~
4 30 chapter, manufacturers of native wine may purchase and
4 31 possess grape brandy from the division for the sole
4 32 purpose of manufacturing wine.

4 33 2. Native wine may be sold at retail for
4 34 off-premises consumption when sold on the premises of
4 35 the manufacturer, or in a retail establishment operated
4 36 by the manufacturer. Sales may also be made to
4 37 class "A" or retail wine permittees or liquor control
4 38 licensees as authorized by the class "A" wine permit.

4 39 A manufacturer of native wines shall not sell the wines
4 40 other than as permitted in this chapter and shall not
4 41 allow wine sold to be consumed upon the premises of the
4 42 manufacturer. However, prior to sale native wines may
4 43 be sampled on the premises where made, when no charge
4 44 is made for the sampling. A person may manufacture
4 45 native wine for consumption on the manufacturer's
4 46 premises, when the wine or any part of it is not
4 47 manufactured for sale.

4 48 3. A manufacturer of native wines may ship wine in
4 49 closed containers to individual purchasers inside ~~and~~
~~4 50 outside~~ this state by obtaining a wine direct shipper



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5 1 license pursuant to section 123.187. ~~The manufacturer~~
5 2 ~~shall label the package containing the wine with the~~
5 3 ~~words "deliver to adults only".~~
5 4 Sec. 9. Section 123.57, Code 2011, is amended to
5 5 read as follows:
5 6 123.57 Examination of accounts.
5 7 The financial condition and transactions of all
5 8 offices, departments, warehouses, and depots of
5 9 the division shall be examined at least once each
5 10 year by the state auditor and at shorter periods if
5 11 requested by the administrator, governor, commission,
5 12 ~~or executive council~~ the general assembly's standing
5 13 committees on government oversight.
5 14 Sec. 10. REPEAL. Section 123.43, Code 2011, is
5 15 repealed.>

IVERSON of Wright
HF470.2026 (2) 84
rn/nh



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House Amendment 1470

PAG LIN

1 1 Amend House File 537, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. Section 231C.2, Code 2011, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 2A. "Assisted living program"
1 7 or "program" means an entity that provides assisted
1 8 living.
1 9 Sec. _____. Section 231C.5, subsection 2, paragraph
1 10 b, Code 2011, is amended to read as follows:
1 11 b. (1) A statement regarding the impact of the
1 12 fee structure on third=party payments, and whether
1 13 third=party payments and resources are accepted by the
1 14 assisted living program.
1 15 (2) The occupancy agreement shall specifically
1 16 include a statement regarding each of the following:
1 17 (a) Whether the program requires disclosure of a
1 18 tenant's personal financial information for occupancy
1 19 or continued occupancy.
1 20 (b) The program's policy regarding the continued
1 21 tenancy of a tenant following exhaustion of private
1 22 resources.
1 23 (c) Contact information for the department of human
1 24 services and the senior health insurance information
1 25 program to assist tenants in accessing third=party
1 26 payment sources.>
1 27 #2. Title page, line 1, after <to> by inserting
1 28 <assisted living programs, including>
1 29 #3. By renumbering as necessary.
HF537.2059.S (2) 84



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House Amendment 1471

PAG LIN

1 1 Amend Senate File 453, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, line 13, by striking <an eighth grade>
1 4 and inserting <any>
1 5 #2. Page 1, line 16, by striking <one year> and
1 6 inserting <a unit>
1 7 #3. Page 1, by striking lines 17 through 20 and
1 8 inserting <requirements for that area and shall be
1 9 issued high school credit for the unit.>

COMMITTEE ON EDUCATION
FORRISTALL of Pottawattamie, Chairperson
SF453.2008 (2) 84
kh/sc



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House Amendment 1472

PAG LIN

1 1 Amend House File 483 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 537A.5 Indemnity
1 5 agreements ==== construction contracts.
1 6 1. As used in this section, "construction contract"
1 7 means an agreement relating to the construction,
1 8 alteration, improvement, development, demolition,
1 9 excavation, rehabilitation, maintenance, or repair
1 10 of buildings, highways, roads, streets, bridges,
1 11 tunnels, transportation facilities, airports, water or
1 12 sewage treatment plants, power plants, or any other
1 13 improvements to real property in this state, including
1 14 shafts, wells, and structures, whether on ground, above
1 15 ground, or underground, and includes agreements for
1 16 architectural services, design services, engineering
1 17 services, construction services, construction
1 18 management services, development services, maintenance
1 19 services, material purchases, equipment rental, and
1 20 labor. "Construction contract" includes all public,
1 21 private, foreign, or domestic agreements as described
1 22 in this subsection other than such public agreements
1 23 relating to highways, roads, and streets.
1 24 2. Except as excluded under subsection 3, a
1 25 provision in a construction contract that requires one
1 26 party to the construction contract to indemnify, hold
1 27 harmless, or defend any other party to the construction
1 28 contract, including the indemnitee's employees,
1 29 consultants, agents, or others for whom the indemnitee
1 30 is responsible, against liability, claims, damages,
1 31 losses, or expenses, including attorney fees, to the
1 32 extent caused by or resulting from the negligent act
1 33 or omission of the indemnitee or of the indemnitee's
1 34 employees, consultants, agents, or others for whom the
1 35 indemnitee is responsible, is void and unenforceable as
1 36 contrary to public policy.
1 37 3. This section does not apply to the
1 38 indemnification of a surety by a principal on any
1 39 surety bond, an insurer's obligation to its insureds
1 40 under any insurance policy or agreement, a borrower's
1 41 obligations to its lender, or any obligation of strict
1 42 liability otherwise imposed by law.>
1 43 #2. Title page, line 1, after <to> by inserting <the
1 44 regulation of>

HORBACH of Tama
HF483.2070 (1) 84
je/rj



Iowa General Assembly
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House Amendment 1473

PAG LIN

1 1 Amend Senate File 406, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 24, line 13, by striking <apart from
1 4 commissions paid by an insurer>

OLDSON of Polk

T. OLSON of Linn

SWAIM of Davis
SF406.2077 (1) 84
av/sc



Iowa General Assembly
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House Amendment 1474

PAG LIN

1 1 Amend Senate File 240, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, by striking lines 26 through 33 and
1 4 inserting <to section 123.50A at the time of the
1 5 violation. A licensee or permittee may assert>

IVERSON of Wright
SF240.2073 (1) 84
rn/nh



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House Amendment 1475

PAG LIN

1 1 Amend Senate File 326, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. Section 46.12, Code 2011, is amended to
1 5 read as follows:
1 6 46.12 Notification of vacancy and resignation.
1 7 1. When a vacancy occurs or will occur within one
1 8 hundred twenty days in the supreme court, ~~the court of~~
~~1 9 appeals,~~ or district court, the state commissioner of
1 10 elections shall forthwith so notify the chairperson
1 11 of the proper judicial nominating commission. The
1 12 chairperson shall call a meeting of the commission
1 13 within ten days after such notice; if the chairperson
1 14 fails to do so, the chief justice shall call such
1 15 meeting.
1 16 2. When a vacancy occurs or will occur within one
1 17 hundred twenty days in the court of appeals, the state
1 18 commissioner of elections shall notify the governor of
1 19 the vacancy. The governor shall make the appointment
1 20 to fill the vacancy pursuant to section 46.14A.
1 21 3. When a judge of the supreme court, court
1 22 of appeals, or district court resigns, the judge
1 23 shall submit a copy of the resignation to the state
1 24 commissioner of elections at the time the judge submits
1 25 the resignation to the governor; and when a judge of
1 26 the supreme court, court of appeals, or district court
1 27 dies, the clerk of district court of the county of the
1 28 judge's residence shall in writing forthwith notify the
1 29 state commissioner of elections of such fact.
1 30 Sec. _____. Section 46.14A, Code 2011, is amended to
1 31 read as follows:
1 32 46.14A Court of appeals === ~~nominees~~ appointment.
1 33 Vacancies in the court of appeals shall be filled
1 34 by appointment by the governor ~~from a list of nominees~~
~~1 35 submitted by the state judicial nominating commission.~~
~~1 36 Three nominees shall be submitted for each vacancy~~
~~1 37 subject to confirmation by the senate. Nominees A~~
1 38 person appointed to the court of appeals shall have the
1 39 qualifications prescribed for nominees to the supreme
1 40 court. The governor shall make the appointment to fill
1 41 a vacancy on the court of appeals within one hundred
1 42 twenty days of receiving notice that such a vacancy
1 43 has occurred. The senate shall vote on confirmation
1 44 during the regular session of the general assembly, if
1 45 the governor appoints the person during the regular
1 46 session of the general assembly. If the appointment is
1 47 made after the regular session of the general assembly,
1 48 the senate shall vote on confirmation during the next
1 49 regular session of the general assembly. If the senate
1 50 fails to confirm an appointment to fill the vacancy,



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House Amendment 1475 continued

2 1 the governor shall make another appointment to the
2 2 court of appeals subject to confirmation by the senate
2 3 until the vacancy is filled.

2 4 Sec. _____. Section 46.15, subsection 1, Code 2011,
2 5 is amended to read as follows:

2 6 1. All appointments to the supreme court ~~and court~~
~~2 7 of appeals~~ shall be made from the nominees of the state
2 8 judicial nominating commission, and all appointments to
2 9 the district court shall be made from the nominees of
2 10 the district judicial nominating commission.

2 11 Sec. _____. Section 46.16, subsection 1, paragraph a,
2 12 Code 2011, is amended to read as follows:

2 13 a. The initial term of office of judges of the
2 14 supreme court, ~~court of appeals,~~ and district court
2 15 shall be for one year after appointment and until
2 16 January 1 following the next judicial election after
2 17 expiration of such year; ~~and.~~

2 18 Sec. _____. Section 46.16, subsection 1, Code 2011,
2 19 is amended by adding the following new paragraph:

2 20 NEW PARAGRAPH. 0b. The initial term of office of
2 21 judges of the court of appeals shall be for one year
2 22 after confirmation and until January 1 following the
2 23 next judicial election after expiration of such year.>

2 24 #2. Page 1, line 7, by striking <, court of
2 25 appeals,>

2 26 #3. Page 1, after line 8 by inserting:

2 27 <1A. Notwithstanding section 46.12, the chief
2 28 justice may order the state commissioner of elections
2 29 to delay for budgetary reasons, the sending of the
2 30 notification to the governor that a vacancy in the
2 31 court of appeals has occurred or will occur.>

2 32 #4. Page 1, after line 25 by inserting:

2 33 <Sec. _____. Section 602.5102, subsection 2, Code
2 34 2011, is amended to read as follows:

2 35 2. Judges of the court of appeals shall be
2 36 ~~nominated and~~ appointed and shall stand for retention
2 37 in office as provided in chapter 46. Judges of the
2 38 court of appeals shall qualify for office as provided
2 39 in chapter 63.>

2 40 #5. Page 3, after line 25 by inserting:

2 41 <Sec. _____. EFFECTIVE UPON ENACTMENT. This Act,
2 42 being deemed of immediate importance, takes effect upon
2 43 enactment.>

2 44 #6. Title page, line 2, after <judges> by inserting
2 45 <and including effective date provisions>

2 46 #7. By renumbering as necessary.

ALONS of Sioux

PEARSON of Polk



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SHAW of Pocahontas

CHAMBERS of O'Brien

DE BOEF of Keokuk

MASSIE of Warren
SF326.2065 (4) 84
jm/rj



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House Amendment 1476

PAG LIN

- 1 1 Amend House File 661 as follows:
- 1 2 #1. Page 3, by striking lines 14 through 17 and
- 1 3 inserting <the federal program being implemented.>

ISENHART of Dubuque
HF661.2079 (2) 84
tm/rj



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House File 661 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 500)
(SUCCESSOR TO HSB 48)

A BILL FOR

1 An Act relating to rulemaking authority of the department
2 of natural resources and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2017HZ (2) 84
tm/rj



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House File 661 - Introduced continued

PAG LIN

1 1 Section 1. Section 455A.4, subsection 1, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 Except as otherwise provided by law ~~and subject to~~
~~1 4 rules adopted by the natural resource commission and the~~
~~1 5 environmental protection commission,~~ the director shall:
1 6 Sec. 2. Section 455A.4, subsection 1, paragraph i, Code
1 7 2011, is amended to read as follows:
1 8 i. Adopt rules in accordance with chapter 17A as necessary
1 9 or desirable ~~for the organization or reorganization of the~~
~~1 10 department to provide for the administration of chapter 321G,~~
1 11 321I, 455B, 455C, 456A, 456B, 457A, 459, 459A, 459B, 461A,
1 12 462A, 462B, 464A, 465C, 481A, 481B, 483A, 484A, or 484B.
1 13 Rulemaking authority held by the natural resource commission
1 14 or the environmental protection commission is vested in the
1 15 director upon the effective date of this Act. Rules adopted by
1 16 the natural resource commission or the environmental protection
1 17 commission prior to the effective date of this Act, shall
1 18 remain effective until modified or rescinded by action of the
1 19 director in accordance with the provisions of chapter 17A. The
1 20 director shall ensure that all policies and guidelines of the
1 21 department for the administration of the chapters listed in
1 22 this paragraph shall be adopted by rule.
1 23 Sec. 3. Section 455A.5, subsection 6, paragraph a, Code
1 24 2011, is amended to read as follows:
1 25 a. ~~Establish Recommend~~ policy and adopt rules, pursuant
~~1 26 to chapter 17A, necessary~~ to provide for the effective
1 27 administration of chapter 321G, 321I, 456A, 456B, 457A, 461A,
1 28 462A, 462B, 464A, 465C, 481A, 481B, 483A, 484A, or 484B.
1 29 Sec. 4. Section 455A.5, subsection 6, paragraph e, Code
1 30 2011, is amended by striking the paragraph.
1 31 Sec. 5. NEW SECTION. 455A.5A Schedule of fees ==== rules.
1 32 1. The director, in consultation with the natural resource
1 33 commission, shall adopt, by rule, a schedule of fees for
1 34 permits issued by the natural resource commission, including
1 35 conditional permits, and a schedule of fees for administration



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House File 661 - Introduced continued

2 1 of the permits. The fees shall be collected by the department
2 2 and used to offset costs incurred in administrating a program
2 3 for which the issuance of the permit is made or under which
2 4 enforcement is carried out.
2 5 2. In determining the fee schedule, the director shall
2 6 consider all of the following:
2 7 a. The reasonable costs associated with reviewing
2 8 applications, issuing permits, and monitoring compliance with
2 9 the terms of issued permits.
2 10 b. The relative benefits to the applicant and to the public
2 11 of a permit review, permit issuance, and monitoring compliance
2 12 with the terms of the permit.
2 13 c. The typical costs associated with a type of project or
2 14 activity for which a permit is required.
2 15 d. The impact of the considerations included in paragraphs
2 16 "a" through "c" on the private sector.
2 17 3. However, a fee shall not exceed the actual costs incurred
2 18 by the department.
2 19 Sec. 6. Section 455A.6, subsection 6, paragraph a, Code
2 20 2011, is amended to read as follows:
2 21 a. ~~Establish~~ Recommend policy for the department ~~and adopt~~
2 22 ~~rules, pursuant to chapter 17A,~~ necessary to provide for the
2 23 effective administration of chapter 455B, 455C, or 459.
2 24 Sec. 7. Section 455B.103, subsection 1, Code 2011, is
2 25 amended by striking the subsection and inserting in lieu
2 26 thereof the following:
2 27 1. Adopt, modify, or repeal rules pursuant to chapter 17A.
2 28 The director shall have only the authority and discretion that
2 29 is expressly delegated or granted by this chapter, chapter
2 30 455C, chapter 459, chapter 459A, and chapter 459B and shall not
2 31 exercise such authority and discretion except to the extent
2 32 necessary to implement this chapter, chapter 455C, chapter 459,
2 33 chapter 459A, and chapter 459B. Any rulemaking authority held
2 34 by the commission is vested in the director upon the effective
2 35 date of this Act. Rules adopted by the commission prior to



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House File 661 - Introduced continued

3 1 the effective date of this Act shall remain in effect until
3 2 modified or rescinded by action of the director in accordance
3 3 with the provisions of chapter 17A.
3 4 a. The director shall include in the preamble of a rule a
3 5 statement referencing the authority delegated to the director
3 6 pursuant to which the rule is adopted. The preamble for the
3 7 rule shall indicate when the director is implementing a federal
3 8 rule by reference and include a financial impact statement
3 9 detailing the general impact of the rule upon the regulated
3 10 parties.
3 11 b. When proposing or adopting rules to implement a specific
3 12 federal environmental program, the director shall not impose
3 13 requirements more restrictive than the requirements of
3 14 the federal program being implemented. The director shall
3 15 not propose a rule related to a federal regulation until
3 16 the federal regulation has received final approval by the
3 17 applicable federal agency.
3 18 c. When proposing or adopting rules, the director shall
3 19 include departmental policy relating to the disclosure of
3 20 information concerning a violation or alleged violation
3 21 of the rules, standards, permits, or orders issued by the
3 22 department and the confidentiality of information obtained by
3 23 the department in the administration and enforcement of this
3 24 chapter, chapter 455C, chapter 459, chapter 459A, and chapter
3 25 459B.
3 26 Sec. 8. Section 455B.103, subsection 2, Code 2011, is
3 27 amended by striking the subsection.
3 28 Sec. 9. Section 455B.105, subsections 3 and 11, Code 2011,
3 29 are amended by striking the subsections.
3 30 Sec. 10. NEW SECTION. 455B.106 Schedule of fees ==== rules.
3 31 1. The director, in consultation with the environmental
3 32 protection commission, shall adopt, by rule, procedures and
3 33 forms necessary to implement the provisions of this chapter and
3 34 chapters 459, 459A, and 459B relating to permits, conditional
3 35 permits, and general permits.



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House File 661 - Introduced continued

4 1 2. The director, in consultation with the environmental
4 2 protection commission, may also adopt, by rule, a schedule
4 3 of fees for permit and conditional permit applications
4 4 and a schedule of fees which may be periodically assessed
4 5 for administration of permits and conditional permits. In
4 6 determining the fee schedules, the director shall consider:
4 7 a. The state's reasonable cost of reviewing applications,
4 8 issuing permits and conditional permits, and checking
4 9 compliance with the terms of the permits.
4 10 b. The relative benefits to the applicant and to the
4 11 public of permit and conditional permit review, issuance, and
4 12 monitoring compliance. It is the intention of the general
4 13 assembly that permit fees shall not cover any costs connected
4 14 with correcting violation of the terms of any permit and shall
4 15 not impose unreasonable costs on any municipality.
4 16 c. The typical costs of the particular types of projects
4 17 or activities for which permits or conditional permits are
4 18 required, provided that in no circumstances shall fees be in
4 19 excess of the actual costs to the department.
4 20 d. The impact of the considerations included in paragraphs
4 21 "a" through "c" on the private sector.
4 22 3. Except as otherwise provided in this chapter and chapter
4 23 459, fees collected by the department under this section shall
4 24 be remitted to the treasurer of state and credited to the
4 25 general fund of the state.
4 26 4. The director shall adopt rules for applications or
4 27 permits related to the national pollutant discharge elimination
4 28 system (NPDES) coverage as described in section 455B.197,
4 29 including fees, only to the extent that the rules are
4 30 consistent with that section.
4 31 Sec. 11. Section 455B.183A, subsection 2, Code 2011, is
4 32 amended to read as follows:
4 33 2. The ~~commission~~ director shall adopt fees as required
4 34 pursuant to section ~~455B.105~~ 455B.106 for permits required for
4 35 public water supply systems as provided in sections 455B.174



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House File 661 - Introduced continued

5 1 and 455B.183. Fees paid pursuant to this section shall not be
5 2 subject to the sales or services tax. The fees shall be for
5 3 each of the following:
5 4 a. The construction, installation, or modification of a
5 5 public water supply system. The amount of the fees may be
5 6 based on the type of system being constructed, installed, or
5 7 modified.
5 8 b. The operation of a public water supply system, including
5 9 any part of the system. The ~~commission~~ director shall adopt
5 10 a fee schedule which shall be based on the total number of
5 11 persons served by public water supply systems in this state.
5 12 However, a public water supply system shall be assessed a fee
5 13 of at least twenty-five dollars. A public water supply system
5 14 not owned or operated by a community and serving a transient
5 15 population shall be assessed a fee of twenty-five dollars. The
5 16 ~~commission~~ director shall calculate all fees in the schedule to
5 17 produce total revenues equaling three hundred fifty thousand
5 18 dollars for each fiscal year, commencing with the fiscal year
5 19 beginning July 1, 1995, and ending June 30, 1996. For each
5 20 fiscal year, the fees shall be deposited into the public water
5 21 supply system account. By May 1 of each year, the department
5 22 shall estimate the total revenue expected to be collected from
5 23 the overpayment of fees, which are all fees in excess of the
5 24 amount of the total revenues which are expected to be collected
5 25 under the current fee schedule, and the total revenue expected
5 26 to be collected from the payment of fees during the next fiscal
5 27 year. The ~~commission~~ director shall adjust the fees if the
5 28 estimate exceeds the amount of revenue required to be deposited
5 29 in the account pursuant to this paragraph.
5 30 Sec. 12. Section 455B.310, subsection 5, Code 2011, is
5 31 amended to read as follows:
5 32 5. Solid waste disposal facilities with special provisions
5 33 which limit the site to disposal of construction and demolition
5 34 waste, landscape waste, coal combustion waste, cement kiln
5 35 dust, foundry sand, and solid waste materials approved by the



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House File 661 - Introduced continued

6 1 department for lining or capping, or for construction berms,
6 2 dikes, or roads in a sanitary disposal project or sanitary
6 3 landfill are exempt from the tonnage fees imposed under this
6 4 section. However, solid waste disposal facilities under
6 5 this subsection are subject to the fees imposed pursuant to
6 6 section ~~455B.105, subsection 11, paragraph "a"~~ 455B.106.
6 7 Notwithstanding the provisions of section ~~455B.105, subsection~~
~~6 8 11, paragraph "b"~~ 455B.106, the fees collected pursuant to this
6 9 subsection shall be deposited in the solid waste account as
6 10 established in section 455E.11, subsection 2, paragraph "a",
6 11 to be used by the department for the regulation of these solid
6 12 waste disposal facilities.

6 13 Sec. 13. Section 459B.104, subsections 1 and 2, Code 2011,
6 14 are amended to read as follows:

6 15 1. The ~~environmental protection commission~~ director of the
6 16 department shall establish by rule adopted pursuant to chapter
6 17 17A, requirements relating to the construction, including
6 18 expansion, or operation of dry bedded confinement feeding
6 19 operations, including related dry bedded manure confinement
6 20 feeding operation buildings and stockpiles.

6 21 2. Any provision referring generally to compliance with
6 22 the requirements of this chapter as applied to dry bedded
6 23 confinement feeding operations also includes compliance with
6 24 requirements in rules adopted by the ~~environmental protection~~
~~6 25 commission~~ director of the department pursuant to this section,
6 26 orders issued by the department as authorized under this
6 27 chapter, and the terms and conditions applicable to manure
6 28 management plans required under this chapter.

6 29 Sec. 14. INTENT. It is the intent of the general assembly
6 30 that upon the effective date of this Act, the director of
6 31 the department of natural resources shall have the powers
6 32 and duties and shall assume the sole responsibility for
6 33 proposing and adopting rules as necessary for the effective
6 34 administration of the duties of the department of natural
6 35 resources. All references in statute or rules to the



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House File 661 - Introduced continued

7 1 rulemaking authority of the natural resource commission or
7 2 the environmental protection commission of the department of
7 3 natural resources shall upon the effective date of this Act be
7 4 construed to refer only to the director of the department of
7 5 natural resources.
7 6 Sec. 15. APPLICABILITY. This Act applies to all rules
7 7 noticed or adopted after the effective date of this Act. If a
7 8 rule with an effective date prior to the effective date of this
7 9 Act is amended after the effective date of this Act, then the
7 10 provisions of this Act are applicable to the entire rule being
7 11 amended and not only to the precise portion of the rules that
7 12 is being amended. For purposes of applying the provisions of
7 13 this Act, the effective date of the amendment to a rule shall
7 14 be the new effective date of the rule as a whole.
7 15 Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being deemed
7 16 of immediate importance, takes effect upon enactment.
7 17 EXPLANATION
7 18 This bill relates to rulemaking authority of the department
7 19 of natural resources.
7 20 Currently, the environmental protection commission and the
7 21 natural resources commission both have rulemaking authority
7 22 for Code chapters administered by the department of natural
7 23 resources. The bill transfers the rulemaking authority for
7 24 both commissions to the director of the department of natural
7 25 resources, in consultation with each of the commissions. The
7 26 bill makes conforming amendments. The bill prohibits the
7 27 director from proposing a rule related to a federal regulation
7 28 until the regulation has received final approval by the
7 29 applicable federal agency.
7 30 The bill takes effect upon enactment and applies to rules
7 31 noticed or adopted after the date of enactment.

LSB 2017HZ (2) 84

tm/rj



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House Resolution 34 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY DRAKE, ANDERSON, ARNOLD, BERRY, MASCHER, S.?OLSON,
PETERSEN, ABDUL-SAMAD, ALONS, BALTIMORE, BAUDLER,
BRANDENBURG, BYRNES, CHAMBERS, COHOON, COWNIE,
DE?BOEF, DEYOE, DOLECHECK, FORRISTALL, FRY, GAINES,
GARRETT, GASKILL, GRASSLEY, HAGENOW, HAGER, HALL,
HANSON, HANUSA, HEATON, HEDDENS, HEIN, HELLAND,
HORBACH, HUNTER, HUSEMAN, ISENHART, IVERSON, JACOBY,
JORGENSEN, KAJTAZOVIC, KAUFMANN, KEARNS, KELLEY,
KLEIN, KOESTER, KRESSIG, LENSING, LOFGREN, LUKAN,
LYKAM, MASSIE, MCCARTHY, H.?MILLER, L.?MILLER, MOORE,
MUHLBAUER, MURPHY, OLDSON, R.?OLSON, T.?OLSON,
PAULSEN, PAUSTIAN, PEARSON, PETTENGILL, QUIRK,
RAECKER, RASMUSSEN, RAYHONS, ROGERS,
RUNNING-MARQUARDT, SANDS, SCHULTE, SCHULTZ, SHAW, J.
SMITH, M. SMITH, SODERBERG, STECKMAN, SWAIM, SWEENEY,
J.?TAYLOR, T.?TAYLOR, THEDE, THOMAS, TJEPKES, UPMEYER,
VAN?ENGELLENHOVEN, VANDER?LINDEN, WAGNER, WATTS,
WENTHE, WESSEL-KROESCHELL, WILLEMS, WINCKLER,
WINDSCHITL, WITTNEBEN, WOLFE, and WORTHAN

- 1 1 A Resolution of condolence to the people of Japan.
1 2 WHEREAS, for over five decades the peoples of
1 3 Japan and Iowa have strengthened their friendships
1 4 through the cultivation of interpersonal and commercial
1 5 relationships, creating a bond ever stronger as the
1 6 years passed, and for that reason a tragedy for the
1 7 people of Japan is a tragedy for Iowans as well; and
1 8 WHEREAS, the people of Japan have been afflicted
1 9 with a triple calamity: an earthquake, a tsunami, and



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House Resolution 34 - Introduced continued

2 1 a nuclear energy accident; and
2 2 WHEREAS, in spite of the incalculable suffering
2 3 and loss, the strength of the Japanese people remains
2 4 unbroken, as rescuers work around the clock to bring
2 5 aid, comfort, and safety to the countless victims; and
2 6 WHEREAS, the people of Iowa pay special homage
2 7 to the courage and honor of the so-called "Fukushima
2 8 Fifty", that group of 180 technicians who have
2 9 continuously rotated shifts at the stricken reactor,
2 10 despite the risk to their own safety; and
2 11 WHEREAS, in this darkest of times, the people of
2 12 Iowa now stand firm and ready with the people of Japan
2 13 to undertake the work of recovery; NOW THEREFORE,
2 14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
2 15 the House of Representatives, on behalf of the people
2 16 of Iowa, expresses its sorrow, and offers its deepest
2 17 sympathy to those who have lost their loved ones, their
2 18 homes, and their livelihoods in this most terrible of
2 19 disasters.
LSB 2744HH (2) 84
jr/rj



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Senate Amendment 3176

PAG LIN

1 1 Amend Senate File 465 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 231C.11A Voluntary
1 5 cessation of program operations === decertification.
1 6 1. The department shall adopt rules regarding
1 7 the voluntary cessation of program operations of an
1 8 assisted living program, including decertification.
1 9 The rules shall address notification of the tenants,
1 10 tenant legal representatives, the department, and
1 11 the tenant advocate at least ninety days prior to the
1 12 anticipated date of cessation of program operations;
1 13 the requirements for the safe and orderly transfer
1 14 or transition of all tenants; and monitoring of the
1 15 program during the process and after cessation of
1 16 program operations.
1 17 2. Within seven days following provision of notice
1 18 of cessation of program operations, the assisted
1 19 living program shall hold a meeting and invite all
1 20 tenants, tenant legal representatives, families of
1 21 tenants, representatives of the department, and the
1 22 tenant advocate to discuss the pending cessation of the
1 23 program and to answer any questions. The department
1 24 and the tenant advocate shall have access to attend
1 25 the meeting and provide information to the tenants
1 26 regarding their legal rights.
1 27 3. The tenant advocate shall monitor the
1 28 decertification process and shall undertake any
1 29 investigations necessary to ensure that the rights of
1 30 tenants are protected during the process and after
1 31 cessation of program operations. The tenant advocate
1 32 shall assist tenants during the transition, including
1 33 assisting tenants in finding necessary and appropriate
1 34 service providers if the assisted living program
1 35 is unable to provide such necessary and appropriate
1 36 services during the transition period. The assisted
1 37 living program shall cooperate with the tenant advocate
1 38 by providing contact information for service providers
1 39 within a thirty mile radius of the program.
1 40 4. Following cessation of program operations and
1 41 decertification, the department shall retain authority
1 42 to monitor the decertified program to ensure that the
1 43 entity does not continue to act as an uncertified
1 44 assisted living program or other unlicensed,
1 45 uncertified, or unregistered entity otherwise
1 46 regulated by the state following decertification. If
1 47 a decertified assisted living program continues to or
1 48 subsequently acts in a manner that meets the definition
1 49 of assisted living pursuant to section 231C.2,
1 50 the decertified program is subject to the criminal



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Senate Amendment 3176 continued

2 1 penalties and injunctive relief provisions of section
2 2 231C.15, and any other penalties applicable by law.>
2 3 #2. Title page, by striking lines 1 through 3 and
2 4 inserting <An Act relating to voluntary cessation of
2 5 program operations and decertification of assisted
2 6 living programs, and providing penalties.>

WILLIAM DOTZLER
SF465.2032 (1) 84
pf/nh



Iowa General Assembly
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Senate Amendment 3177

PAG LIN

1 1 Amend House File 537, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. Section 231C.2, Code 2011, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 2A. "Assisted living program"
1 7 or "program" means an entity that provides assisted
1 8 living.
1 9 Sec. _____. Section 231C.5, subsection 2, paragraph
1 10 b, Code 2011, is amended to read as follows:
1 11 b. (1) A statement regarding the impact of the
1 12 fee structure on third=party payments, and whether
1 13 third=party payments and resources are accepted by the
1 14 assisted living program.
1 15 (2) The occupancy agreement shall specifically
1 16 include a statement regarding each of the following:
1 17 (a) Whether the program requires disclosure of a
1 18 tenant's personal financial information for occupancy
1 19 or continued occupancy.
1 20 (b) The program's policy regarding the continued
1 21 tenancy of a tenant following exhaustion of private
1 22 resources.
1 23 (c) Contact information for the department of human
1 24 services and the senior health insurance information
1 25 program to assist tenants in accessing third=party
1 26 payment sources.>
1 27 #2. Title page, line 1, after <to> by inserting
1 28 <assisted living programs, including>
1 29 #3. By renumbering as necessary.

WILLIAM DOTZLER
HF537.2034 (2) 84
pf/nh



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Senate Amendment 3178

PAG LIN

1 1 Amend Senate File 360 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 811.1, subsections 1 and 2,
1 5 Code 2011, are amended to read as follows:

1 6 1. A defendant awaiting judgment of conviction
1 7 and sentencing following either a plea or verdict of
1 8 guilty of a class "A" felony, ~~murder~~, forcible felony
1 9 as defined in section 702.11, any class "B" felony

1 10 included in section 462A.14 or 707.6A; ~~felonious~~
1 11 ~~assault; felonious child endangerment; sexual abuse in~~
1 12 ~~the second degree; sexual abuse in the third degree;~~
1 13 ~~kidnapping; robbery in the first degree; arson in the~~
1 14 ~~first degree; burglary in the first degree;~~ any felony
1 15 included in section 124.401, subsection 1, paragraph
1 16 "a" or "b"; or a second or subsequent offense under
1 17 section 124.401, subsection 1, paragraph "c"; any
1 18 felony punishable under section 902.9, subsection 1;
1 19 any public offense committed while detained pursuant to
1 20 section 229A.5; or any public offense committed while
1 21 subject to an order of commitment pursuant to chapter
1 22 229A.

1 23 2. A defendant appealing a conviction of a class
1 24 "A" felony; ~~murder~~, forcible felony as defined in
1 25 section 702.11; any class "B" or "C" felony included
1 26 in section 462A.14 or 707.6A; ~~felonious assault;~~
1 27 ~~felonious child endangerment; sexual abuse in the~~
1 28 ~~second degree; sexual abuse in the third degree;~~
1 29 ~~kidnapping; robbery in the first degree; arson in the~~
1 30 ~~first degree; burglary in the first degree;~~ any felony
1 31 included in section 124.401, subsection 1, paragraph
1 32 "a" or "b"; or a second or subsequent conviction under
1 33 section 124.401, subsection 1, paragraph "c"; any
1 34 felony punishable under section 902.9, subsection 1;
1 35 any public offense committed while detained pursuant to
1 36 section 229A.5; or any public offense committed while
1 37 subject to an order of commitment pursuant to chapter
1 38 229A.

1 39 Sec. 2. Section 903A.2, subsection 3, Code 2011, is
1 40 amended to read as follows:

1 41 3. Time served in a jail, ~~or~~ municipal holding
1 42 facility, or another facility prior to actual placement
1 43 in an institution under the control of the department
1 44 of corrections and credited against the sentence by
1 45 the court shall accrue for the purpose of reduction of
1 46 sentence under this section. Time which elapses during
1 47 an escape shall not accrue for purposes of reduction of
1 48 sentence under this section.

1 49 Sec. 3. Section 903A.5, subsection 1, Code 2011, is
1 50 amended to read as follows:



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Senate Amendment 3178 continued

2 1 1. An inmate shall not be discharged from the
2 2 custody of the director of the Iowa department of
2 3 corrections until the inmate has served the full term
2 4 for which the inmate was sentenced, less earned time
2 5 and other credits earned and not forfeited, unless
2 6 the inmate is pardoned or otherwise legally released.
2 7 Earned time accrued and not forfeited shall apply
2 8 to reduce a mandatory minimum sentence being served
2 9 pursuant to section 124.406, 124.413, 902.7, 902.8,
2 10 902.8A, or 902.11. An inmate shall be deemed to be
2 11 serving the sentence from the day on which the inmate
2 12 is received into the institution. If an inmate was
2 13 confined to a county jail, municipal holding facility,
2 14 or other correctional or mental facility at any time
2 15 prior to sentencing, or after sentencing but prior to
2 16 the case having been decided on appeal, because of
2 17 failure to furnish bail or because of being charged
2 18 with a nonbailable offense, the inmate shall be given
2 19 credit for the days already served upon the term of the
2 20 sentence. However, if a person commits any offense
2 21 while confined in a county jail, municipal holding
2 22 facility, or other correctional or mental health
2 23 facility, the person shall not be granted jail credit
2 24 for that offense. Unless the inmate was confined in
2 25 a correctional facility, the sheriff of the county in
2 26 which the inmate was confined or the officer in charge
2 27 of the municipal holding facility in which the inmate
2 28 was confined shall certify to the clerk of the district
2 29 court from which the inmate was sentenced and to the
2 30 department of corrections' records administrator at the
2 31 Iowa medical and classification center the number of
2 32 days so served. The department of corrections' records
2 33 administrator, or the administrator's designee, shall
2 34 apply ~~jail~~ credit as ordered by the court of proper
2 35 jurisdiction or as authorized by this section and
2 36 section 907.3, subsection 3.>
2 37 #2. Title page, by striking lines 1 and 2 and
2 38 inserting <An Act relating to criminal defendants
2 39 and inmates by modifying bail restrictions placed
2 40 on criminal defendants and applying credit for time
2 41 served.>

STEVEN SODDERS
SF360.2041 (2) 84
jm/nh



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Senate Amendment 3179

PAG LIN

1 1 Amend Senate File 492 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 633.635, subsection 2,
1 5 paragraph a, Code 2011, is amended to read as follows:

1 6 a. (1) Changing, at the guardian's request,
1 7 the ward's permanent residence if the proposed new
1 8 residence is more restrictive of the ward's liberties
1 9 than the current residence.

1 10 (2) If a ward is removed from the ward's residence,
1 11 the guardian shall provide, prior to the removal,
1 12 notice of the removal to the ward's family by
1 13 registered mail and such notice shall include a period
1 14 of time for the ward's family to remove personal items
1 15 from the ward's home.

1 16 Sec. 2. Section 633.641, Code 2011, is amended to
1 17 read as follows:

1 18 633.641 Duties of conservator ==== ward receiving
1 19 medical assistance.

1 20 1. a. It is the duty of the conservator of the
1 21 estate to protect and preserve it, to invest it
1 22 prudently, to account for it as herein provided, and to
1 23 perform all other duties required of the conservator by
1 24 law, and at the termination of the conservatorship, to
1 25 deliver the assets of the ward to the person entitled
1 26 thereto.

1 27 b. If a ward is removed from the ward's residence,
1 28 the conservator shall provide, prior to the removal,
1 29 notice of the removal to the ward's family by
1 30 registered mail and such notice shall include a period
1 31 of time for the ward's family to remove personal items
1 32 from the ward's home.

1 33 2. The conservator shall report to the department
1 34 of human services the assets and income of any
1 35 ward receiving medical assistance under chapter
1 36 249A. Reports shall be made upon establishment of
1 37 a conservatorship for an individual applying for
1 38 or receiving medical assistance, upon application
1 39 for benefits on behalf of the ward, upon annual or
1 40 semiannual review of continued medical assistance
1 41 eligibility, when any significant change in principal
1 42 or income occurs in the conservatorship account, or
1 43 as otherwise requested by the department of human
1 44 services. Written reports shall be provided to
1 45 the department of human services county office for
1 46 the county in which the ward resides or the county
1 47 office in which the ward's medical assistance is
1 48 administered.>



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Senate Amendment 3180

PAG LIN

1 1 Amend Senate File 484 as follows:
1 2 #1. Page 2, by striking lines 15 through 17 and
1 3 inserting:
1 4 <NEW PARAGRAPH. x. For midwifery, a total of nine
1 5 members, three members who are licensed midwives under
1 6 chapter 148F; three members who are licensed under
1 7 chapter 148, one of whom is a practicing>
1 8 #2. Page 4, line 35, by striking <may> and inserting
1 9 <shall>
1 10 #3. Page 5, after line 19 by inserting:
1 11 <0c. Adopt rules requiring malpractice liability
1 12 insurance coverage and the policy limits of such
1 13 coverage.>
1 14 #4. Page 6, by striking lines 24 through 28.
1 15 #5. By striking page 6, line 35, through page 7,
1 16 line 1.
1 17 #6. By striking page 7, line 28, through page 8,
1 18 line 1.
1 19 #7. Page 8, by striking lines 3 and 4 and inserting:
1 20 <A health care provider caring for a patient that
1 21 has>
1 22 #8. Page 9, line 6, by striking <sections> and
1 23 inserting <section>
1 24 #9. Page 9, by striking line 7 and inserting
1 25 <section 147.2, subsection 1 takes>
1 26 #10. By renumbering as necessary.

RANDY FEENSTRA
SF484.1960 (3) 84
jr/nh



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Senate File 517 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
1199)

A BILL FOR

1 An Act relating to and making appropriations to the department
2 of cultural affairs, the department of economic development,
3 certain board of regents institutions, the department of
4 workforce development, the Iowa finance authority, and the
5 public employment relations board, and related matters and
6 including immediate effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1002SV (3) 84
tw/tm



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Senate File 517 - Introduced continued

PAG LIN

1 1 Section 1. DEPARTMENT OF CULTURAL AFFAIRS. There is
1 2 appropriated from the general fund of the state to the
1 3 department of cultural affairs for the fiscal year beginning
1 4 July 1, 2011, and ending June 30, 2012, the following amounts,
1 5 or so much thereof as is necessary, to be used for the purposes
1 6 designated:
1 7 1. ADMINISTRATION
1 8 For salaries, support, maintenance, miscellaneous purposes,
1 9 and for not more than the following full-time equivalent
1 10 positions for the department:
1 11 \$ 181,813
1 12 FTEs 74.50
1 13 The department of cultural affairs shall coordinate
1 14 activities with the tourism office of the department of
1 15 economic development to promote attendance at the state
1 16 historical building and at this state's historic sites.
1 17 Full-time equivalent positions authorized under this
1 18 subsection shall be funded, in full or in part, using moneys
1 19 appropriated under this subsection and subsections 3 through 7.
1 20 2. COMMUNITY CULTURAL GRANTS
1 21 For planning and programming for the community cultural
1 22 grants program established under section 303.3:
1 23 \$ 257,090
1 24 3. HISTORICAL DIVISION
1 25 For the support of the historical division:
1 26 \$ 2,767,701
1 27 4. HISTORIC SITES
1 28 For the administration and support of historic sites:
1 29 \$ 426,398
1 30 5. ARTS DIVISION
1 31 For the support of the arts division:
1 32 \$ 933,764
1 33 6. IOWA GREAT PLACES
1 34 For the Iowa great places program established under section
1 35 303.3C:



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2	1	\$	193,823
2	2	7. ARCHIVE IOWA GOVERNORS' RECORDS		
2	3	For archiving the records of Iowa governors:		
2	4	\$	65,933
2	5	8. RECORDS CENTER RENT		
2	6	For payment of rent for the state records center:		
2	7	\$	227,243
2	8	9. BATTLE FLAGS		
2	9	For continuation of the project recommended by the Iowa		
2	10	battle flag advisory committee to stabilize the condition of		
2	11	the battle flag collection:		
2	12	\$	60,000
2	13	Sec. 2. GOALS AND ACCOUNTABILITY ==== ECONOMIC DEVELOPMENT.		
2	14	1. For the fiscal year beginning July 1, 2011, the goals for		
2	15	the department of economic development shall be to expand and		
2	16	stimulate the state economy, increase the wealth of Iowans, and		
2	17	increase the population of the state.		
2	18	2. To achieve the goals in subsection 1, the department		
2	19	of economic development shall do all of the following for the		
2	20	fiscal year beginning July 1, 2011:		
2	21	a. Concentrate its efforts on programs and activities that		
2	22	result in commercially viable products and services.		
2	23	b. Adopt practices and services consistent with free		
2	24	market, private sector philosophies.		
2	25	c. Ensure economic growth and development throughout the		
2	26	state.		
2	27	d. Work with businesses and communities to continually		
2	28	improve the economic development climate along with the		
2	29	economic well-being and quality of life for Iowans.		
2	30	e. Coordinate with other state agencies to ensure that they		
2	31	are attentive to the needs of an entrepreneurial culture.		
2	32	f. Establish a strong and aggressive marketing image to		
2	33	showcase Iowa's workforce, existing industry, and potential.		
2	34	A priority shall be placed on recruiting new businesses,		
2	35	business expansion, and retaining existing Iowa businesses.		



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3 1 Emphasis shall be placed on entrepreneurial development through
3 2 helping entrepreneurs secure capital, and developing networks
3 3 and a business climate conducive to entrepreneurs and small
3 4 businesses.

3 5 g. Encourage the development of communities and quality of
3 6 life to foster economic growth.

3 7 h. Prepare communities for future growth and development
3 8 through development, expansion, and modernization of
3 9 infrastructure.

3 10 i. Develop public=private partnerships with Iowa businesses
3 11 in the tourism industry, Iowa tour groups, Iowa tourism
3 12 organizations, and political subdivisions in this state to
3 13 assist in the development of advertising efforts.

3 14 j. Develop, to the fullest extent possible, cooperative
3 15 efforts for advertising with contributions from other sources.

3 16 Sec. 3. DEPARTMENT OF ECONOMIC DEVELOPMENT.

3 17 1. APPROPRIATION

3 18 There is appropriated from the general fund of the state
3 19 to the department of economic development for the fiscal year
3 20 beginning July 1, 2011, and ending June 30, 2012, the following
3 21 amounts, or so much thereof as is necessary, to be used for the
3 22 purposes designated in subsection 2, and for not more than the
3 23 following full=time equivalent positions:

3 24 \$ 10,047,229
3 25 FTEs 149.00

3 26 2. DESIGNATED PURPOSES

3 27 a. For salaries, support, miscellaneous purposes, programs,
3 28 and the maintenance of an administration division, a business
3 29 development division, and a community development division.

3 30 b. The full=time equivalent positions authorized under this
3 31 section shall be funded, in whole or in part, by the moneys
3 32 appropriated under subsection 1 or by other moneys received by
3 33 the department, including certain federal moneys.

3 34 c. For business development operations and programs, the
3 35 film office, international trade, export assistance, workforce



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Senate File 517 - Introduced continued

4 1 recruitment, and the partner state program.
4 2 d. For transfer to the strategic investment fund created in
4 3 section 15.313.
4 4 e. For transfer to the grow Iowa values fund created in
4 5 section 15G.111.
4 6 f. For community economic development programs, tourism
4 7 operations, community assistance, plans for Iowa green corps
4 8 and summer youth programs, the mainstreet and rural mainstreet
4 9 programs, the school-to-career program, the community
4 10 development block grant, and housing and shelter-related
4 11 programs.
4 12 g. For achieving the goals and accountability, and
4 13 fulfilling the requirements and duties required under this Act.
4 14 3. NONREVERSION
4 15 Notwithstanding section 8.33, moneys appropriated in
4 16 subsection 1 that remain unencumbered or unobligated at the
4 17 close of the fiscal year shall not revert but shall remain
4 18 available for expenditure for the purposes designated in
4 19 subsection 2 until the close of the succeeding fiscal year.
4 20 4. FINANCIAL ASSISTANCE RESTRICTIONS
4 21 a. A business creating jobs through moneys appropriated in
4 22 this section shall be subject to contract provisions requiring
4 23 new and retained jobs to be filled by individuals who are
4 24 citizens of the United States who reside within the United
4 25 States or any person authorized to work in the United States
4 26 pursuant to federal law, including legal resident aliens in the
4 27 United States.
4 28 b. Any vendor who receives moneys appropriated in this
4 29 section shall adhere to such contract provisions and provide
4 30 periodic assurances as the state shall require that the jobs
4 31 are filled solely by citizens of the United States who reside
4 32 within the United States or any person authorized to work in
4 33 the United States pursuant to federal law, including legal
4 34 resident aliens in the United States.
4 35 c. A business that receives financial assistance from the



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Senate File 517 - Introduced continued

5 1 department from moneys appropriated in this section shall
5 2 only employ individuals legally authorized to work in this
5 3 state. In addition to all other applicable penalties provided
5 4 by current law, all or a portion of the assistance received
5 5 by a business which is found to knowingly employ individuals
5 6 not legally authorized to work in this state is subject to
5 7 recapture by the department.
5 8 5. USES OF APPROPRIATIONS
5 9 a. From the moneys appropriated in this section, the
5 10 department may provide financial assistance in the form of a
5 11 grant to a community economic development entity for conducting
5 12 a local workforce recruitment effort designed to recruit former
5 13 citizens of the state and former students at colleges and
5 14 universities in the state to meet the needs of local employers.
5 15 b. From the moneys appropriated in this section, the
5 16 department may provide financial assistance to early stage
5 17 industry companies being established by women entrepreneurs.
5 18 c. From the moneys appropriated in this section, the
5 19 department may provide financial assistance in the form of
5 20 grants, loans, or forgivable loans for advanced research and
5 21 commercialization projects involving value-added agriculture,
5 22 advanced technology, or biotechnology.
5 23 6. WORLD FOOD PRIZE
5 24 For allocating moneys for the world food prize and
5 25 notwithstanding the standing appropriation in section 15.368,
5 26 subsection 1:
5 27 \$ 650,000
5 28 7. MAIN STREET GRANTS
5 29 For use as matching funds for the United States department of
5 30 housing and urban development's main street challenge grants
5 31 for historic building preservation:
5 32 \$ 155,828
5 33 Notwithstanding section 8.33, moneys appropriated in this
5 34 subsection that remain unencumbered or unobligated at the close
5 35 of the fiscal year shall not revert but shall remain available



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6 1 for expenditure for the purposes designated until the close of
6 2 the succeeding fiscal year.
6 3 8. IOWA COMMISSION ON VOLUNTEER SERVICE
6 4 For allocation to the Iowa commission on volunteer service
6 5 for the Iowa's promise and mentoring partnership programs, for
6 6 transfer to the Iowa state commission grant program, and for
6 7 not more than the following full-time equivalent positions:
6 8 \$ 178,133
6 9 FTEs 7.00
6 10 Of the moneys appropriated in this subsection, the
6 11 department shall allocate \$75,000 for purposes of the Iowa
6 12 state commission grant program and \$103,133 for purposes of the
6 13 Iowa's promise and mentoring partnership programs.
6 14 Notwithstanding section 8.33, moneys appropriated in this
6 15 subsection that remain unencumbered or unobligated at the close
6 16 of the fiscal year shall not revert but shall remain available
6 17 for expenditure for the purposes designated until the close of
6 18 the succeeding fiscal year.
6 19 Sec. 4. VISION IOWA PROGRAM ==== FTE AUTHORIZATION. For
6 20 purposes of administrative duties associated with the vision
6 21 Iowa program, the department of economic development is
6 22 authorized an additional 2.25 FTEs above those otherwise
6 23 authorized in this Act.
6 24 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From the moneys
6 25 collected by the division of insurance in excess of the
6 26 anticipated gross revenues under section 505.7, subsection 3,
6 27 during the fiscal year beginning July 1, 2011, \$100,000 shall
6 28 be transferred to the department of economic development for
6 29 insurance economic development and international insurance
6 30 economic development.
6 31 Sec. 6. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
6 32 section 15E.120, subsection 5, there is appropriated from the
6 33 Iowa community development loan fund all moneys available
6 34 during the fiscal year beginning July 1, 2011, and ending
6 35 June 30, 2012, to the department of economic development for



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7 1 purposes of the community development program.
7 2 Sec. 7. WORKFORCE DEVELOPMENT FUND. There is appropriated
7 3 from the workforce development fund account created in section
7 4 15.342A to the workforce development fund created in section
7 5 15.343 for the fiscal year beginning July 1, 2011, and ending
7 6 June 30, 2012, the following amount, for purposes of the
7 7 workforce development fund:
7 8 \$ 4,000,000
7 9 Sec. 8. WORKFORCE DEVELOPMENT ADMINISTRATION. From moneys
7 10 appropriated or transferred to or receipts credited to the
7 11 workforce development fund created in section 15.343, up to
7 12 \$400,000 for the fiscal year beginning July 1, 2011, and ending
7 13 June 30, 2012, are appropriated to the department of economic
7 14 development for the administration of workforce development
7 15 activities including salaries, support, maintenance, and
7 16 miscellaneous purposes, and for not more than the following
7 17 full-time equivalent positions:
7 18 FTEs 4.00
7 19 Sec. 9. JOB TRAINING FUND. Notwithstanding section 15.251,
7 20 all moneys in the job training fund on July 1, 2011, and any
7 21 moneys appropriated or credited to the fund during the fiscal
7 22 year beginning July 1, 2011, shall be transferred to the
7 23 workforce development fund established pursuant to section
7 24 15.343.
7 25 Sec. 10. IOWA STATE UNIVERSITY.
7 26 1. There is appropriated from the general fund of the state
7 27 to Iowa state university of science and technology for the
7 28 fiscal year beginning July 1, 2011, and ending June 30, 2012,
7 29 the following amount, or so much thereof as is necessary, to
7 30 be used for small business development centers, the science
7 31 and technology research park, and the institute for physical
7 32 research and technology, and for not more than the following
7 33 full-time equivalent positions:
7 34 \$ 2,575,983
7 35 FTEs 56.63



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8 1 2. Of the moneys appropriated in subsection 1, Iowa state
8 2 university of science and technology shall allocate at least
8 3 \$994,929 for purposes of funding small business development
8 4 centers. Iowa state university of science and technology may
8 5 allocate moneys appropriated in subsection 1 to the various
8 6 small business development centers in any manner necessary to
8 7 achieve the purposes of this subsection.
8 8 3. Iowa state university of science and technology shall do
8 9 all of the following:
8 10 a. Direct expenditures for research toward projects that
8 11 will provide economic stimulus for Iowa.
8 12 b. Provide emphasis to providing services to Iowa-based
8 13 companies.
8 14 4. It is the intent of the general assembly that the
8 15 industrial incentive program focus on Iowa industrial
8 16 sectors and seek contributions and in-kind donations from
8 17 businesses, industrial foundations, and trade associations,
8 18 and that moneys for the institute for physical research and
8 19 technology industrial incentive program shall be allocated
8 20 only for projects which are matched by private sector moneys
8 21 for directed contract research or for nondirected research.
8 22 The match required of small businesses as defined in section
8 23 15.102, subsection 6, for directed contract research or for
8 24 nondirected research shall be \$1 for each \$3 of state funds.
8 25 The match required for other businesses for directed contract
8 26 research or for nondirected research shall be \$1 for each \$1 of
8 27 state funds. The match required of industrial foundations or
8 28 trade associations shall be \$1 for each \$1 of state funds.
8 29 Iowa state university of science and technology shall
8 30 report annually to the joint appropriations subcommittee on
8 31 economic development and the legislative services agency the
8 32 total amount of private contributions, the proportion of
8 33 contributions from small businesses and other businesses, and
8 34 the proportion for directed contract research and nondirected
8 35 research of benefit to Iowa businesses and industrial sectors.



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9 1 5. Notwithstanding section 8.33, moneys appropriated in
9 2 this section that remain unencumbered or unobligated at the
9 3 close of the fiscal year shall not revert but shall remain
9 4 available for expenditure for the purposes designated until the
9 5 close of the succeeding fiscal year.

9 6 Sec. 11. UNIVERSITY OF IOWA.

9 7 1. There is appropriated from the general fund of the state
9 8 to the state university of Iowa for the fiscal year beginning
9 9 July 1, 2011, and ending June 30, 2012, the following amount,
9 10 or so much thereof as is necessary, to be used for the state
9 11 university of Iowa research park and for the advanced drug
9 12 development program at the Oakdale research park, including
9 13 salaries, support, maintenance, equipment, miscellaneous
9 14 purposes, and for not more than the following full-time
9 15 equivalent positions:

9 16	\$	222,372
9 17	FTEs	6.00

9 18 2. The state university of Iowa shall do all of the
9 19 following:

9 20 a. Direct expenditures for research toward projects that
9 21 will provide economic stimulus for Iowa.

9 22 b. Provide emphasis to providing services to Iowa-based
9 23 companies.

9 24 3. Notwithstanding section 8.33, moneys appropriated in
9 25 this section that remain unencumbered or unobligated at the
9 26 close of the fiscal year shall not revert but shall remain
9 27 available for expenditure for the purposes designated until the
9 28 close of the succeeding fiscal year.

9 29 Sec. 12. UNIVERSITY OF NORTHERN IOWA.

9 30 1. There is appropriated from the general fund of the
9 31 state to the university of northern Iowa for the fiscal year
9 32 beginning July 1, 2011, and ending June 30, 2012, the following
9 33 amount, or so much thereof as is necessary, to be used for the
9 34 metal casting institute, the MyEntreNet internet application,
9 35 and the institute of decision making, including salaries,



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10 1 support, maintenance, miscellaneous purposes, and for not more
10 2 than the following full-time equivalent positions:

10 3 \$ 610,674
10 4 FTEs 6.75

10 5 2. Of the moneys appropriated pursuant to subsection 1, the
10 6 university of northern Iowa shall allocate at least \$290,494
10 7 for purposes of expanded support of entrepreneurs through the
10 8 university's regional business center.

10 9 3. The university of northern Iowa shall do all of the
10 10 following:

10 11 a. Direct expenditures for research toward projects that
10 12 will provide economic stimulus for Iowa.

10 13 b. Provide emphasis to providing services to Iowa-based
10 14 companies.

10 15 4. Notwithstanding section 8.33, moneys appropriated in
10 16 this section that remain unencumbered or unobligated at the
10 17 close of the fiscal year shall not revert but shall remain
10 18 available for expenditure for the purposes designated until the
10 19 close of the succeeding fiscal year.

10 20 Sec. 13. BOARD OF REGENTS REPORT. The state board of
10 21 regents shall submit a report on the progress of regents
10 22 institutions in meeting the strategic plan for technology
10 23 transfer and economic development to the secretary of the
10 24 senate, the chief clerk of the house of representatives, and
10 25 the legislative services agency by January 15, 2012.

10 26 Sec. 14. DEPARTMENT OF WORKFORCE DEVELOPMENT. There
10 27 is appropriated from the general fund of the state to the
10 28 department of workforce development for the fiscal year
10 29 beginning July 1, 2011, and ending June 30, 2012, the following
10 30 amounts, or so much thereof as is necessary, for the purposes
10 31 designated:

10 32 1. DIVISION OF LABOR SERVICES

10 33 a. For the division of labor services, including salaries,
10 34 support, maintenance, miscellaneous purposes, and for not more
10 35 than the following full-time equivalent positions:



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11 1 \$ 3,495,440
11 2 FTEs 64.00
11 3 b. From the contractor registration fees, the division of
11 4 labor services shall reimburse the department of inspections
11 5 and appeals for all costs associated with hearings under
11 6 chapter 91C, relating to contractor registration.
11 7 2. DIVISION OF WORKERS' COMPENSATION
11 8 a. For the division of workers' compensation, including
11 9 salaries, support, maintenance, miscellaneous purposes, and for
11 10 not more than the following full-time equivalent positions:
11 11 \$ 3,066,768
11 12 FTEs 30.00
11 13 b. The division of workers' compensation shall charge a
11 14 \$100 filing fee for workers' compensation cases. The filing
11 15 fee shall be paid by the petitioner of a claim. However, the
11 16 fee can be taxed as a cost and paid by the losing party, except
11 17 in cases where it would impose an undue hardship or be unjust
11 18 under the circumstances. The moneys generated by the filing
11 19 fee allowed under this subsection are appropriated to the
11 20 department of workforce development to be used for purposes of
11 21 administering the division of workers' compensation.
11 22 3. WORKFORCE DEVELOPMENT OPERATIONS
11 23 a. For the operation of field offices, the workforce
11 24 development board, and for not more than the following
11 25 full-time equivalent positions:
11 26 \$ 8,671,352
11 27 FTEs 130.00
11 28 b. Of the moneys appropriated in paragraph "a" of this
11 29 subsection, the department shall allocate \$9,696,170 for the
11 30 operation of field offices.
11 31 c. The department shall not reduce the number of field
11 32 offices below the number of field offices being operated as of
11 33 January 1, 2009.
11 34 4. OFFENDER REENTRY PROGRAM
11 35 a. For the development and administration of an offender



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12 1 reentry program to provide offenders with employment skills,
12 2 and for not more than the following full-time equivalent
12 3 positions:
12 4 \$ 284,464
12 5 FTEs 3.00
12 6 b. The department shall partner with the department of
12 7 corrections to provide staff within the correctional facilities
12 8 to improve offenders' abilities to find and retain productive
12 9 employment.
12 10 5. Notwithstanding section 8.33, moneys appropriated in
12 11 this section that remain unencumbered or unobligated at the
12 12 close of the fiscal year shall not revert but shall remain
12 13 available for expenditure for the purposes designated until the
12 14 close of the succeeding fiscal year.
12 15 Sec. 15. ACCOUNTABILITY ==== AUDIT. The auditor of state
12 16 shall annually conduct an audit of the department of workforce
12 17 development and shall report the findings of such annual
12 18 audit, including the accountability of programs of the
12 19 department, to the chairpersons and ranking members of the
12 20 joint appropriations subcommittee on economic development. The
12 21 department shall pay for the costs associated with the audit.
12 22 Sec. 16. EMPLOYMENT SECURITY CONTINGENCY FUND.
12 23 1. There is appropriated from the special employment
12 24 security contingency fund to the department of workforce
12 25 development for the fiscal year beginning July 1, 2011, and
12 26 ending June 30, 2012, the following amount, or so much thereof
12 27 as is necessary, to be used for field offices:
12 28 \$ 1,217,084
12 29 2. Any remaining additional penalty and interest revenue
12 30 is appropriated to the department of workforce development to
12 31 accomplish the mission of the department.
12 32 Sec. 17. UNEMPLOYMENT COMPENSATION RESERVE FUND ====
12 33 FIELD OFFICES. Notwithstanding section 96.9, subsection 8,
12 34 paragraph "e", there is appropriated from interest earned on
12 35 the unemployment compensation reserve fund to the department



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13 1 of workforce development for the fiscal year beginning July 1,
13 2 2011, and ending June 30, 2012, the following amount or so much
13 3 thereof as is necessary, for the purposes designated:
13 4 For the operation of field offices:
13 5 \$ 4,238,260
13 6 Sec. 18. GENERAL FUND ==== EMPLOYEE MISCLASSIFICATION
13 7 PROGRAM. There is appropriated from the general fund of the
13 8 state to the department of workforce development for the fiscal
13 9 year beginning July 1, 2011, and ending June 30, 2012, the
13 10 following amount, or so much thereof as is necessary, to be
13 11 used for the purposes designated:
13 12 For enhancing efforts to investigate employers that
13 13 misclassify workers and for not more than the following
13 14 full=time equivalent positions:
13 15 \$ 451,458
13 16 FTEs 8.10
13 17 Sec. 19. PUBLIC EMPLOYMENT RELATIONS BOARD.
13 18 1. There is appropriated from the general fund of the state
13 19 to the public employment relations board for the fiscal year
13 20 beginning July 1, 2011, and ending June 30, 2012, the following
13 21 amount, or so much thereof as is necessary, for the purposes
13 22 designated:
13 23 For salaries, support, maintenance, miscellaneous purposes,
13 24 and for not more than the following full=time equivalent
13 25 positions:
13 26 \$ 1,057,871
13 27 FTEs 10.00
13 28 2. Of the moneys appropriated in this section, the board
13 29 shall allocate \$15,000 for maintaining a website that allows
13 30 searchable access to a database of collective bargaining
13 31 information.
13 32 Sec. 20. IOWA FINANCE AUTHORITY.
13 33 1. There is appropriated from the general fund of the state
13 34 to the Iowa finance authority for the fiscal year beginning
13 35 July 1, 2011, and ending June 30, 2012, the following amount,



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14 1 or so much thereof as is necessary, to be used to provide
14 2 reimbursement for rent expenses to eligible persons under the
14 3 rent subsidy program:
14 4 \$ 658,000
14 5 2. Participation in the rent subsidy program shall be
14 6 limited to only those persons who meet the requirements for the
14 7 nursing facility level of care for home and community-based
14 8 services waiver services as in effect on July 1, 2011, and
14 9 to those individuals who are eligible for the federal money
14 10 follows the person grant program under the medical assistance
14 11 program. Of the moneys appropriated in this section, not more
14 12 than \$35,000 may be used for administrative costs.
14 13 Sec. 21. IOWA FINANCE AUTHORITY AUDIT. The auditor of state
14 14 is requested to review the audit of the Iowa finance authority
14 15 performed by the auditor hired by the authority.
14 16 Sec. 22. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding
14 17 section 96.9, subsection 4, paragraph "a", moneys credited to
14 18 the state by the secretary of the treasury of the United
14 19 States pursuant to section 903 of the Social Security
14 20 Act are appropriated to the department of workforce
14 21 development and shall be used by the department for the
14 22 administration of the unemployment compensation program only.
14 23 This appropriation shall not apply to any fiscal year
14 24 beginning after December 31, 2011.
14 25 Sec. 23. Section 16.41, subsection 1, Code 2011, is amended
14 26 to read as follows:
14 27 1. A shelter assistance fund is created as a revolving
14 28 fund in the state treasury under the control of the authority
14 29 consisting of any moneys appropriated by the general assembly
14 30 and received under section 428A.8 for purposes of the
14 31 rehabilitation, expansion, or costs of operations of group
14 32 home shelters for the homeless and domestic violence shelters,
14 33 evaluation of services for the homeless, and match moneys for
14 34 federal funds for the homeless management information system.
14 35 Each fiscal year, moneys in the fund, in an amount equal to not



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15 1 more than two percent of the total moneys distributed as grants
15 2 from the fund during the fiscal year, may be used for purposes
15 3 of administering the fund.

15 4 Sec. 24. 2008 Iowa Acts, chapter 1190, section 30,
15 5 subsection 3, is amended to read as follows:

15 6 3. As part of the plan, the department of workforce
15 7 development shall set a goal of having at least one certified
15 8 one-stop center in each of the fifteen workforce regions by the
15 9 year ~~2012~~ 2014.

15 10 Sec. 25. 2010 Iowa Acts, chapter 1184, section 37, is
15 11 amended by adding the following new unnumbered paragraph:
15 12 NEW UNNUMBERED PARAGRAPH Notwithstanding section 8.33,
15 13 moneys appropriated in this section shall not revert at the
15 14 close of the fiscal year for which they are appropriated but
15 15 shall remain available for the purposes designated until
15 16 the close of the fiscal year that begins July 1, 2011. The
15 17 full-time equivalent position authorized in this section shall
15 18 continue to be authorized until the close of the fiscal year
15 19 that begins July 1, 2011.

15 20 Sec. 26. 2010 Iowa Acts, chapter 1193, section 88, is
15 21 amended to read as follows:

15 22 SEC. 88. TAIWAN TRADE OFFICE == IOWA COMPREHENSIVE
15 23 PETROLEUM UNDERGROUND STORAGE TANK FUND. There is appropriated
15 24 from the Iowa comprehensive petroleum underground storage tank
15 25 fund to the department of economic development for the fiscal
15 26 year beginning July 1, 2010, and ending June 30, 2011, the
15 27 following amount, or so much thereof as is necessary, to be
15 28 used for the purposes designated:

15 29 Notwithstanding section 455G.3, subsection 1, for
15 30 establishing a trade office in Taipei, Taiwan:

15 31 \$ 100,000

15 32 Notwithstanding section 8.33, moneys appropriated in this
15 33 section shall not revert at the close of the fiscal year for
15 34 which they are appropriated but shall remain available for the
15 35 purposes designated until the close of the fiscal year that



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16 1 begins July 1, 2011.

16 2 If the department cannot arrange for matching moneys from
16 3 another source by June 30, 2012, in an amount at least equal to
16 4 the appropriation made in this section, the moneys appropriated
16 5 in this section shall revert to the Iowa comprehensive
16 6 petroleum underground storage tank fund.

16 7 Sec. 27. EFFECTIVE UPON ENACTMENT. The sections of this
16 8 Act amending 2010 Iowa Acts, chapter 1184, 2010 Iowa Acts,
16 9 chapter 1193, and 2008 Iowa Acts, chapter 1190, being deemed of
16 10 immediate importance, take effect upon enactment.

16 11 EXPLANATION

16 12 This bill makes appropriations and transfers from the
16 13 general fund of the state and other funds to the department of
16 14 cultural affairs, the department of economic development, the
16 15 university of Iowa, the university of northern Iowa, Iowa state
16 16 university, the department of workforce development, the Iowa
16 17 finance authority, and the public employment relations board
16 18 for the 2011=2012 fiscal year.

16 19 The bill provides that the goals for the department of
16 20 economic development shall be to expand and stimulate the
16 21 state economy, increase the wealth of Iowans, and increase the
16 22 population of the state.

16 23 The bill transfers moneys collected by the division of
16 24 insurance in excess of the anticipated gross revenues to the
16 25 department of economic development for purposes of insurance
16 26 economic development and international insurance economic
16 27 development.

16 28 The bill appropriates moneys from the Iowa community
16 29 development loan fund to the department of economic development
16 30 for purposes of the community development program.

16 31 The bill appropriates moneys from the workforce development
16 32 fund account to the workforce development fund.

16 33 The bill provides that moneys appropriated or transferred
16 34 to or receipts credited to the workforce development fund are
16 35 appropriated to the department of economic development for



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17 1 administration of workforce development activities.
17 2 The bill provides that all moneys in the job training fund on
17 3 July 1, 2010, and any moneys appropriated or credited to the
17 4 fund during the fiscal year beginning July 1, 2010, shall be
17 5 transferred to the workforce development fund.
17 6 The bill requires the state board of regents to submit a
17 7 report on the progress of regents institutions in meeting
17 8 the strategic plan for technology transfer and economic
17 9 development.
17 10 The bill requires the auditor of state to conduct an audit of
17 11 the department of workforce development.
17 12 The bill appropriates moneys from the special employment
17 13 security contingency fund to the department of workforce
17 14 development for the division of workers' compensation and the
17 15 division of labor.
17 16 The bill appropriates interest earned on the unemployment
17 17 compensation reserve fund to the department of workforce
17 18 development for the operation of field offices.
17 19 The bill appropriates moneys to the department of workforce
17 20 development for an employee misclassification program.
17 21 The bill requests the auditor of state to review the audit
17 22 of the Iowa finance authority performed by the auditor hired
17 23 by the authority.
17 24 The bill appropriates moneys from moneys credited to
17 25 the state by the secretary of the treasury of the United
17 26 States pursuant to the Social Security Act to the department
17 27 of workforce development for the administration of the
17 28 unemployment compensation program only.
17 29 The bill allows the Iowa finance authority to use up to
17 30 2 percent of the moneys in the shelter assistance fund for
17 31 purposes of administering the fund.
17 32 The bill amends 2008 Iowa Acts, chapter 1190, section 30,
17 33 relating to workforce innovation centers by extending by two
17 34 years the date by which the department of workforce development
17 35 must have at least one certified one-stop center in each of the



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18 1 15 workforce regions of the state. This amendment is effective
18 2 upon enactment.

18 3 The bill amends 2010 Iowa Acts, chapter 1184, section 37, by
18 4 adding nonreversion language. This amendment is effective upon
18 5 enactment.

18 6 The bill amends 2010 Iowa Acts, chapter 1193, section 88,
18 7 by adding nonreversion language and by providing for a future
18 8 reversion date. This amendment is effective upon enactment.

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Senate Resolution 11 - Introduced

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SENATE RESOLUTION NO.

BY BEALL and BOETTGER

1 1 A Resolution of condolence to the people of Japan.
1 2 WHEREAS, for over five decades the peoples of
1 3 Japan and Iowa have strengthened their friendships
1 4 through the cultivation of educational, cultural,
1 5 interpersonal, and commercial relationships, creating
1 6 a bond ever stronger as the years passed, and for that
1 7 reason a tragedy for the people of Japan is a tragedy
1 8 for Iowans as well; and
1 9 WHEREAS, the people of Japan have been afflicted
1 10 with a triple calamity: an earthquake, a tsunami, and
1 11 a nuclear energy accident; and
1 12 WHEREAS, in spite of the incalculable suffering
1 13 and loss, the strength of the Japanese people remains
1 14 unbroken, as rescuers work around the clock to bring
1 15 aid, comfort, and safety to the countless victims; and
1 16 WHEREAS, the people of Iowa pay special homage
1 17 to the courage and honor of the so-called "Fukushima
1 18 Fifty", that group of 180 technicians who have
1 19 continuously rotated shifts at the stricken reactor,
1 20 despite the risk to their own safety; and
1 21 WHEREAS, in this darkest of times, the people of
1 22 Iowa now stand firm and ready with the people of Japan
1 23 to undertake the work of recovery; NOW THEREFORE,
1 24 BE IT RESOLVED BY THE SENATE, That the Senate, on
1 25 behalf of the people of Iowa, expresses its sorrow,
1 26 and offers its deepest sympathy to those who have lost
1 27 their loved ones, their homes, and their livelihoods in
1 28 this most terrible of disasters.

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